

ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application, and for the telephone interview conducted with the Examiner and his supervisor on June 11, 2009. The application has been carefully reviewed in light of the interview, and amended as discussed at the interview to more clearly and particularly describe and claim the subject matter which applicants regard as the invention. Applicant notes that this amendment supplements the prior amendment and that the amendments must be taken together in response to the outstanding Office action. This amendment merely adds new claims 86-89 without adding any new matter.

During the telephone interview, the differences between the invention and the Whitehouse disclosure was discussed, and it was pointed out to the examiners that Figures 3A and 3B of that reference did not, when considering the reference in its entirety, disclose the feature of the instant invention of detecting a boundary condition between separately placed items of meat when the items abut each other. The Examiner suggested that amending the claims to specify that the items touched each other, or that there were no gaps between the items, would help to clarify the claim and thus overcome the Whitehouse reference. The other cited references fail to overcome this Whitehouse deficiency. Accordingly, new claim 86-89 are added to clarify this feature, and those claims are therefore patentable over any combination of the references.

Nevertheless, applicant still believes that the original language of claims using the term “abutted” should overcome the reference for similar reasons, as the term “abut” is defined as “to touch along a border or with a projecting part” (see <http://www.merriam-webster.com/dictionary/abut>), and thus claims 35, 38, 41-44, 47-54, 56, 59-60, 63-65, and 70-78 are patentable over any combination of the references as well.

In consideration of the foregoing analysis and the analysis provided in the amendment filed on March 19, 2009, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is

invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. SCAN1-41081.

Respectfully submitted,
PEARNE & GORDON, LLP

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